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June 19, 2008

Honorable Colleen McMahon
United States District Judge
United States Courthouse
500 Pearl Street, Room 640
New York, NY 10007

MEMO ENDORSED

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Habu ✓

RE: United States v. Iberca Polanco and Erika Nazario, 07 Cr. 1042 (CM)

Dear Judge McMahon:

I write -- with the consent of the government -- to seek an adjournment until July 22, 2008, of the pretrial conference in this matter originally set for tomorrow.

I was assigned pursuant to the Criminal Justice Act to replace defendant Iberca Polanco's prior counsel. I recently reached out to Assistant United States Attorney Michael Rosensaft to discuss aspects of the case, including a possible disposition, but he advised me that he is currently on trial and thus not in a position to speak until the end of next week. He further advised me that he has no objection to adjourning the pretrial conference which, in any event, he is unable to attend. Jeffrey Rubin, counsel for defendant Erika Nazario, has advised me that he consents to the proposed adjournment as well.

Your Chambers has advised that July 22, 2008, at 9:30a.m., would be a date and time convenient for the Court. Accordingly, I respectfully request that the pretrial conference be adjourned until then. Both defendants consent to the exclusion of the additional time from the speedy trial calculation.

Respectfully,

Jonathan Bach

cc: Michael Rosensaft,
Assistant United States Attorney

Jeffrey M. Rubin

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